

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEXTER LAWRENCE GRIFFIN,

Plaintiff,

v.

BRANDON PRICE,

Defendant.

Case No. 1:21-cv-01518-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION, WITHOUT
PREJUDICE, FOR FAILURE TO OBEY
COURT ORDERS AND FAILURE TO
PROSECUTE

(ECF No. 13)

Plaintiff Dexter Lawrence Griffin ("Plaintiff") is a civil detainee proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to the California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. Page v. Torrey, 201 F.3d 1136, 1140. (9th Cir. 2000). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 18, 2021, the assigned magistrate judge issued an order directing Plaintiff to submit a completed application to proceed *in forma pauperis* on the appropriate form for non-prisoners or to pay the \$402.00 filing fee to proceed with this action. (ECF No. 7.) The magistrate judge expressly warned Plaintiff that failure to comply with the Court's order would result in dismissal of this action. (*Id.* at 2.) The magistrate judge granted an extension of time for Plaintiff to file his application or pay the filing fee, and again warned Plaintiff that failure to comply with the Court's order would result in a recommendation to dismiss this action for failure to obey a court order and failure to prosecute. (ECF No. 10, p. 2.) The extended deadline expired, and Plaintiff failed to respond to the Court's orders or otherwise communicate with the Court.

Accordingly, on December 20, 2021, the magistrate judge issued findings and

1 recommendations to dismiss this action, without prejudice, due to Plaintiff's failure to obey Court
2 orders and failure to prosecute. (ECF No. 13.) Plaintiff timely filed objections on January 3,
3 2022. (ECF No. 14.)

4 In light of Plaintiff's objections, the undersigned found it appropriate to hold the
5 December 20, 2021, findings and recommendations in abeyance and granted Plaintiff a thirty (30)
6 day extension of time to file his application to proceed *in forma pauperis* or to pay the filing fee
7 to proceed with this action. (ECF No. 15.) Plaintiff was warned that if he failed to file an
8 application to proceed *in forma pauperis* for a non-prisoner or to pay the filing fee by the
9 extended deadline, the Court would adopt the pending findings and recommendations in full and
10 this action would be dismissed for failure to prosecute. (*Id.* at 3.)

11 The extended deadline for Plaintiff to file his *in forma pauperis* application or pay the
12 filing fee has passed, and Plaintiff has failed to comply with the Court's order or otherwise
13 communicate with the Court regarding this action.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
15 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
16 findings and recommendations to be supported by the record and by proper analysis.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The Findings and Recommendations issued on December 20, 2021, (ECF No. 13),
19 are adopted in full;
- 20 2. This action is dismissed, without prejudice, due to Plaintiff's failure to obey court
21 orders and failure to prosecute; and
- 22 3. The Clerk of the Court is directed to close this case.

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24 IT IS SO ORDERED.

25 Dated: February 28, 2022


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28 SENIOR DISTRICT JUDGE